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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 **UNITED STATES OF AMERICA,**

12 Plaintiff

13 v.

14 **SAMUEL JONNELL WILLIAMS**

15 Defendant

Case No. 2: **13-CV-03092 ODW**-6****
11-CR-00520 ODW

**ORDER DENYING REQUEST TO
REOPEN THE COLLATERAL
ATTACK ON THE SENTENCE
UNDER 28 USC § 2255**

16 **I. FACTUAL BACKGROUND**

17 On October 18, 2011 Williams plead guilty to counts two and three of a three
18 count indictment charging conspiracy to possess with intent to distribute and to
19 distribute at least five kilograms of cocaine (count one) and conspiracy to interfere
20 with commerce by robbery (count two) and use and carry a firearm during and in
21 relation to and possession of that firearm in furtherance of a drug trafficking offense
22 and a crime of violence. (count three.)

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25 Williams and the government entered into a plea agreement, which Williams
26 signed on September 28, 2011, paragraph 20 of which provided:
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1 WAIVER OF APPEAL AND COLLATERAL ATTACK

2 20. Defendant agrees that, provided the Court, before
3 imposition of the mandatory consecutive sentence of five years'
4 imprisonment on count three, imposes a term of imprisonment within
5 or below the range corresponding to an offense level of 18 and the
6 criminal history category calculated by the Court, defendant gives
7 up the right to appeal all of the following: (a) the procedures
8 and calculations used to determine and impose any
9 portion of the sentence; (b) the term of imprisonment imposed by
10 the Court; . . .

11 Williams criminal history is a category I. That coupled with an offense level of
12 18 results in a recommended sentencing range of 27-33 months. Williams
13 surrendered the right to appeal or collaterally attack his sentence so long as it, before
14 application of the five year mandatory consecutive sentence was applied, did not
15 exceed the 27-33 month range. He was sentenced to only six (6) months.
16 Consequently, putting aside the fact that this motion is untimely, he has waived his
17 right to challenge his sentence. The court's prior order dismissing this motion stands.
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19 This matter will not be reopened.

20 **IT IS SO ORDERED.**

21 August 2, 2013

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26 **OTIS D. WRIGHT, II**
27 **UNITED STATES DISTRICT JUDGE**
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